



officers, directors, managing agents, or other persons who consent to testify on their behalf in the above-styled cause.

Pursuant to Rules 30(b)(6), 30(b)(2), and 34 of the Federal Rules of Civil Procedure, you are required to designate and fully prepare one or more officers, directors, managing agents, or other persons who consent to testify on behalf of Trinity Industries, Inc. regarding the following designated matters contained in Exhibit A, and bring with them the documents identified in Exhibit B, attached herewith.

Said videotaped deposition will be taken before a person authorized to administer oaths to be used for discovery and as evidence at trial in the above-captioned matter. The deposition will be recorded by stenographic means and videotaped by authorized representatives of Esquire Deposition Solutions.

Respectfully submitted,

BAKER STERCHI COWDEN & RICE

/s/ Kyle N. Roehler

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***Attorneys for Defendant***

***Capacity Service & Solutions***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of September 2023, I electronically filed the foregoing with the Clerk of the District Court by using the CM/ECF/PACER system, which will send notice of electronic filing to counsel of record.

/s/ Kyle N. Roehler

***Attorney for Defendant***

***Capacity & Service Solutions***

## **EXHIBIT A**

### **TOPICS OF INQUIRY**

1. The circumstances surrounding Trinity Industries' purchase and ownership of the plasma cutter.
2. The price at which Trinity Industries initially purchased the plasma cutter.
3. All repairs and maintenance work performed on the plasma cutter.
4. The condition of the plasma cutter at all times, including directly before and after purchase and sale by Trinity Industries.
5. Communications with Plant and Machinery, Inc. regarding the sale of the plasma cutter.
6. Communications with Giger Welding & Fabrication, LLC regarding the sale of the plasma cutter.
7. Communications about the condition of the plasma cutter at the time of the sale to Giger Welding and Fabrication, LLC.
8. Trinity Industries' reasons for placing the plasma cutter up for sale at auction.
9. Trinity Industries' reasons for accepting Giger Welding and Fabrication, LLC's purchase price of the plasma cutter of \$10,281.80.

**EXHIBIT B**

**DOCUMENTS TO BE PRODUCED**

1. All photographs, videos, and documentation of the plasma cutter and its condition before and after purchase by Trinity Industries.
2. All documents and materials regarding the purchase price of the plasma cutter by Trinity Industries.
3. All documents and materials regarding any repair or maintenance costs regarding the plasma cutter.
4. All photographs, videos, and documentation of the plasma cutter before and after arrival for auction at Plant & Machinery, Inc.
5. All documents and materials regarding the plasma cutter's condition at the time of sale at auction at Plant & Machinery, Inc.
6. All documents and materials regarding the auction and sale of the plasma cutter at Plant & Machinery, Inc.
7. All documents reflecting agreements, invoices, contracts, communications, and transactions with respect to the plasma cutter and its condition with Plant & Machinery, Inc.
8. All documents reflecting agreements, invoices, contracts, communications, and transactions with respect to the plasma cutter and its condition with Giger Welding and Fabrication, LLC.